IN RE: PETITION FOR SPECIAL HEARING

W/S Bowleys Quarters Road, 51 ft.

+/- S of White Pine Road

512A Bowleys Quarters Road

15th Election District

8th Councilmanic District

Mark P. Roush, et ux, Petitioners \* Case No. 97-343-SPH

\* \* \* \* \* \* \* \* \* \* \*

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 512A Bowleys Quarters Road in eastern Baltimore County. The Petition is filed by Mark P. Roush and Wanda F. Roush, his wife, property owners. Special Hearing relief is requested to approve in-law quarters on the subject property, zoned D.R.5.5. The subject property and requested relief is more particularly shown on Petitioners' Exhibit No. 1, the site plan.

Appearing at the requisite public hearing held for this case was Mark P. Roush, property owner. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is .588 acres in area zoned D.R.5.5. The property is roughly rectangular in shape, connected to a stem which provides vehicular access to Bowleys Quarters Road. Originally, the property was part of a larger tract which has been owned by the Petitioners' family for many years. Over the years, the property has been subdivided into three parcels. One of the parcels is known as 514 Bowleys Quarters Road and is improved with a brick and frame two story dwelling. That property is owned by Donald and Patricia Roush, the Petitioners' parents. The senior Mr. and Mrs. Roush currently reside on that property.

The second parcel is known as 512 Bowleys Quarters Road. That lot contains an existing one story frame dwelling which is occupied by Audrey I. Roush, the Petitioner's grandmother. The lot known as 512 Bowleys

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Quarters Road has now been subdivided. The rear of the lot is now owned by the Petitioners and, as noted above, contains a stem to provide vehicular access. The Petitioners propose to construct a two story brick and frame dwelling on the subject site, to be known as 512A Bowleys Quarters Road. That dwelling will be owned by Mark P. and Wanda F. Roush and they will reside therein.

The Petitioners request relief to approve an in-law apartment within the proposed dwelling. It is envisioned that Wanda F. Roush's mother, Ann Carter, will reside in these quarters. The apartment will be located over top an attached garage. It was indicated that Mrs. Carter is elderly and that her health has deteriorated. The proposed in-law quarters are being planned to provide her with independent living space, yet to be near her family. Mr. Roush indicated that the in-law quarters would not contain any separate exterior entrance and would be on the same utility meter. He indicated that after Ms. Carter's occupancy of the dwelling, the space would be converted for use as part of the main dwelling. He understood that the unit cannot be maintained as a separate apartment or for rental purposes.

Based upon the testimony and evidence presented, all of which was uncontradicted, I am persuaded to grant the Petition for Special Hearing. In my judgment, the granting of an in-law apartment on the subject property would not cause any detrimental to the surrounding locale. Moreover, a grant of the relief requested would not be inconsistent with the property's zoning classification.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of April, 1997 that, pursuant to the Petition for Spe-

cial Hearing, approval for an in-law quarters on the subject property, zoned D.R.5.5, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated March 3, 1997, attached hereto and made a part thereof.
- 3. The Petitioners shall comply with the requirement that the mother in-law quarters would only be for Ms. Carter's occupancy, and that the space would later be converted for use as part of the main dwelling. The unit cannot be maintained as a separate apartment or for rental purposes.

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:mmn

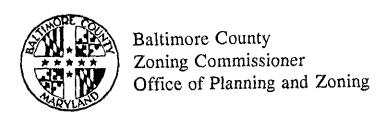
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		Attach original petiti	on	Due Date <u>3/3/97</u>	<del></del>	
Го:		Arnold L. Jablon				
From:		Robert A. Wirth 凡舟い/	'HI			
Subjec		Zoning Item # <u>343</u>	-			
		Roush 512A Bowley	s Quarters Road			
		Zoning Advisory Commit	tee Meeting of _	2/24/97	_	
	The I	epartment of Environmonments on the above-re	ental Protection eferenced zoning	and Resource Management item.	has	
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_x	The offe	Department of Environmes the following comme	ental Protection nts on the above-	and Resource Management referenced zoning item:		
		Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).				
	<del></del>	Development of this Conservation Regulat Baltimore County Cod	ions (Sections 14	nply with the Forest -401 through 14-422 of	the	
	_X	Development of this Bay Critical Area Re	qulations (Section	mply with the Chesapeake ons 26–436 through 26–46 County Code).	1,	

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Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

April 1, 1997

Mr. and Mrs. Mark P. Roush 1424 Dartmouth Avenue Baltimore, Maryland 21234

> RE: Petition for Special Hearing Case No. 97-343-SPH Property: 512A Bowleys Quarters Road

Dear Mr. and Mrs. Roush:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

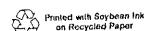
/ Lawren Zoning

Lawrence E. Schmidt

Zoning Commissioner

LES:mmn att.





# CRITICAL AREA tition for Special

# to the Zoning Commissioner of Baltimore County

for the property located at

.343

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve an in-law quarter in DR 5.5 zoned.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee:	I/We do solemnly declare and affirm, under the penalties of perjury, that five are the legal owner(s) of the property which is the subject of this Petition
(Type or Print Name)	Legal Owner(s):  Mark P. Roush  (Type of Pyht Name)
Signature	Mark P. Mush
Address	Wanda F. Roush (Type or grint Name)
City State Zipcode	Signatule Ando A Roush
Attorney for Petitioner:	1424 Oastmouth Ave (410)668-9973
(Type or Print Name)	City State Zipcoge Name, Address and phone number of representative to be contacted.
9ignature	Same as above
Address Phone Na.	Address Phone No.
City State Zipcode	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Unavailable for Hearing
Apartees Administration of the Control of the Contr	the following dates Next Ywo Months  ALLOTHER
	REVIEWED BY: _ PT DATE 2-13-97
Marie Committee	0110

# The Roush Property Lot #3 Zoning Description 91-343-50H512 A Bowley's Quater Road

BEGINNING for the same at a point on the west side of Bowleys Quarter Road, 70 feet wide, as shown on plat entitled "The Roush Property", recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr. No. 51, folio 128, said point being on the southerly line of Lot No. 1 as shown on said plat; thence along the southerly line, the westerly line and a part of the northerly line of Lot No. 1 as shown on said plat the three (3) following courses and distances, viz: (1) S 83° 05' 20" W, 415.41 feet, (2) N 02° 09' 40" E, 100.00 feet and (3) N 83° 05' 20" E, 208.51 feet to a point; thence leaving the northerly line of Lot No. 1 and running for new lines of division through the whole tract the two (2) following courses and distances, viz: (1) S 06° 54' 40" E, 78.75 feet and (2) N 83° 05' 20" E, 196.91 feet to a point of the west side of Bowleys Quarter Road; thence along and binding on the west side of Bowleys Quarter Road; thence along and binding on the west side of Bowleys Quarter Road S 09° 13' 20" W, 20.82 feet to the POINT OF BEGINNING, containing 0.58 of an acre, more or less.

#343

The Zoning Cammissioner of Baltimore County, by authority of the John Act and Regulations of Baltimore County will hold a public hearing in Jow-

son, Maryland on the projecty identified herein as follows:

Case, #97-343-SPH4
512A Browleys Charless Figar
W/S Browleys Charless Figar
W/S Browleys Charless Fiber
51: +- S of Winder Pily Road

5th Election District

8th Councilmanic Legal (wheris): Wark P. Roush and Wanda F. Roush Special Hearing: to approve an in-law quater. Hearing: Monday March 24, 1997 at 10:00 a.m.; in Rm. 118, Old Counthouss.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible for Process

(2) For information concern-ing the File and/or Hearing, Please Call 887-3391. special accommodations Please Call 887-3353.

2/386 Feb. 27

C122690

CERTIFICATE OF PUBLICATION

TOWSON, MD., \_

weeks, the first publication appearing on 100 21, 1997 in Towson, Baltimore County, Md., once in each of \_\_\_\_successive published in THE JEFFERSONIAN, a weekly newspaper published THIS IS TO CERTIFY, that the annexed advertisement was

THE JEFFERSONIAN,

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	RE: Case No.: 97-343-58H
	Petitioner/Developer:
•	MARK ROUSH
	Date of Hearing/Glosing: 3/24/97
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	•
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of	perjury that the necessary sign(s) required by law
were posted conspicuously on the property l	ocated at
512 A Bauleys QUARTERS K	CAD, BALTIMORY MD 21220
and the second s	2 0 00
The sign(s) were posted on	(Month Day Vear)
•	( Month, 22, 10a)
	Sincerely,
ZONING NOTICE :	(Signature of Sign Poster and Date)
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	(Address)
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	(410) 687-8405
	(Telephone Number)
Q1 2112 = D1	
97-343-SPH	

\* 1 =

Exhibit B  Them # 343  Request for Zoning: Variance, Special Exception, or Special Hearing  Date to be Posted: Anytime before but no later than  Format for Sign Printing, Black Letters on White Background:
ZONING NOTICE  Case No.: 97-343-SPH
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE:

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post.4.doc



Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

2001ING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
The nevertee almosticies
For newspaper advertising:
Item No.: 343
Petitioner: Mark and Wanda Roush
Location: 512 A Bouley's Q+rs. Rd.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Mark Roush
ADDRESS: 1424 Dartmorth Ave.
Balto, Md. 21234
PHONE NUMBER: (410) 668-9975

AJ:ggs

(Revised 09/24/96)

TO: PUTUXENT PUBLISHING COMPANY February 27, 1997 Issue - Jeffersonian

Please foward billing to:

Mark Roush 1424 Dartmouth Avenue Baltimore, MD 21234 668-9975

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-343-SPH
512A Bowleys Quarters Road
W/S Bowleys Quarters Road, 51'+/- S of White Pine Road
15th Election District - 8th Councilmanic
Legal Owner(s): Mark P. Roush and Wanda F. Roush

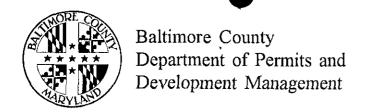
Special Hearing to approve an in-law quarter.

HEARING: MONDAY, MARCH 24, 1997 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

February 21, 1997

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-343-SPH
512A Bowleys Quarters Road
W/S Bowleys Quarters Road, 51'+/- S of White Pine Road
15th Election District - 8th Councilmanic
Legal Owner(s); Mark P. Roush and Wanda F. Roush

Special Hearing to approve an in-law quarter.

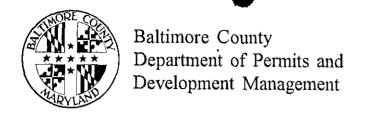
HEARING: MONDAY, MARCH 24, 1997 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon Director

cc: Mark and Wanda Roush

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 9, 1997.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECTAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 21, 1997

Mr. and Mrs. Mark Roush 1424 Dartmouth Avenue Baltimore, MD 21234

RE: Item No.: 343

Case No.: 97-343-SPH

Petitioner: Mark Roush, et ux

Dear Mr. and Mrs. Roush:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on February 13, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

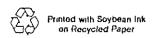
Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re
Attachment(s)





	-	Attach original	petition		Due Date _	3/3/97	_
To:		Arnold L. Jablo	n				
From:		Robert A. Wirth	RAW/gg				
Subject:		Zoning İtem #	343				
		Roush 512A	Bowleys Qu	uarters Road			
		Zoning Advisory	Committee	Meeting of	2/24/97		_
	The D	Department of Enomments on the a	vironmental bove-refere	Protection enced zoning	and Resource item.	Management	'nas
	reque item	Department of En ests an extensio to determine th ne site.	n for the r	review of the	e above-refer	enced <sup>-</sup> zoning	ly
_X	The D offer	Department of En	vironmental .comments c	Protection on the above	and Resource -referenced z	Management oning item:	
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).						
		Development of Conservation R Baltimore Coun	egulations	erty must con (Sections 14	nply with the 1-401 through	Forest 14-422 of t	he
	_X	Development of Bay Critical A and other Sect	rea Regulat	ions (Sectio	ons 26-436 thi	rough 26-461	,

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David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 2.21.97

Item No. 343 () RF)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for

P. J. Greethe Ronald Burns, Chief

Engineering Access Permits

Division

LG

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 27, 1997

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 321, 335, 338, 340, 341, and 343

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Eary L. Kerns

Prepared by:

Division Chief:

PK/JL

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

To:

Arnold Jablon, Director

Date: March 3, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

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SUBJECT:

Zoning Advisory Committee Meeting

for March 3, 1997

Item No. 343

The Development Plans Review Division has reviewed the subject zoning item. See our comments on the approved minor subdivision, "The Roush Property".

RWB:HJO:jrb

cc: File

#### Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 03/04/97

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 24, 1997

Zoning Agenda: Item No.: SEE BELOW

#### Gentlemen:

to your request, the referenced property has been Pursuant surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time, 8. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

Item Number: 337 Owner: Helen E. Schaeffer

Item Number: 338 Owner: Stanley J. Hanna & Charlotte C. Hanna

Item Number: 339 Owner: Edward F. Stanfield, Partner & Richard R. Stanfield, Partner

Owner: William Nickerson & Geraldine Nickerson Item Number: 340

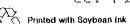
Item Number: 341 Owner: Jon A. Eshelman & Sandy Sperl-Eshelman

Item Number: 342 Owner: Glenn S.Kuntzman & Robert D. Kuntzman

/Owner: Mark P. Roush & Wanda F. Roush Item Number: \343

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F



on Recycled Paper

# PETITION PROBLEMS

## #336 --- CAM

- 1. No review information on bottom of variance petition.
- 2. Sign form incomplete.

### #337 --- JCM

- 1. Need authorization for person signing for legal owner.
- 2. Need printed name of person signing for contract purchaser.
- 3. Sign form incomplete.

## #338 --- RT

1. No section number or request wording on petition form.

### #339 --- MJK

1. Sign form incomplete.

### #340 --- MJK

- 1. No telephone number for legal owner.
- 2. Notary section is incomplete.

# #341 --- JRF

1. Notary section is incomplete - doesn't have notary seal, among other things.

## #342 --- JCM

1. Sign form incomplete.

## #343 --- JRF

1. Sign form incomplete.

2/19/97

BEFORE THE PETITION FOR SPECIAL HEARING RF.: 512A Bowleys Quarters Road, W/S Bowleys Quarters Road, 51'+/- S of White Pine Rd 15th Election District, 8th Councilmanic

Mark P. and Wanda F. Roush Petitioners

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 97-343-SPH

lax limmoinas

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

day of March, 1997, a copy of I HEREBY CERTIFY that on this > the foregoing Entry of Appearance was mailed to Mark P. and Wanda F. Roush, 1424 Dartmouth Avenue, Baltimore, MD 21234, Petitioners.

# 97-343-SPH

We, the undersigned, who live in the same panhandle as the future home of Mark and Wanda Roush located at 512A Bowley's Quarters Road, do not object to and hereby give consent for a second kitchen to be built in the in-law quarters at the future house to be built at 512A Bowley's Quarters Road.

signed,

Donald R. Roush, Sr.

514 Bowley's Quarters Road

Baltimore, MD. 21220

Audrey Roust

512 Bowley's Quarters Road

Baltimore, MD. 21220

# 343

